

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Cory Filyaw,

Plaintiff,

v.

Sonya Paz, *Nurse Practitioner*,

Defendant.

C/A No. 0:23-cv-06381-SAL

ORDER

Plaintiff Cory Filyaw filed this action asserting constitutional violations under 42 U.S.C. § 1983. *See* ECF No. 1. On September 23, 2024, United States Magistrate Judge Paige J. Gosset ordered the plaintiff to advise whether he wished to continue to prosecute this case in light of his failure to timely respond to the defendant's motion for summary judgment. ECF No. 61. Plaintiff has not responded to the court's order, nor has he responded to the defendant's motion for summary judgment. This matter is now before the court on the Magistrate Judge's Report and Recommendation (the "Report"), made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), which recommends dismissal with prejudice for lack of prosecution. ECF No. 64. Neither party filed objections to the Report, and the time for doing so has expired.

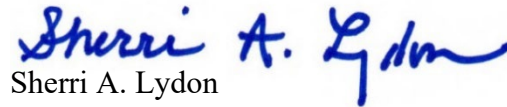
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 64, and incorporates it by reference herein. As a result, this action is hereby **DISMISSED with prejudice**. Defendant’s motion for summary judgment, ECF No. 56, shall be terminated.

IT IS SO ORDERED.

December 5, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge